

Agriculture Committee

Amended Wednesday - March 22, 2006 1pm - 4pm 214 The Capitol

ACTION PACKET
REVISED

Committee Meeting Notice HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Agriculture Committee

Start Date and Time: Wednesday, March 22, 2006 01:00 pm

End Date and Time: Wednesday, March 22, 2006 04:00 pm

Location: 214 Capitol **Duration:** 3.00 hrs

Consideration of the following bill(s):

HB 511 On-line Dating Services by Ambler

HB 603 Gasoline Stations by Flores

HB 1015 Agricultural Economic Development by Pickens

HB 1031 Pawnbroking by Kyle

HB 1475 Agricultural Disaster Assistance by Grimsley

Consideration of the following proposed committee bill(s):

PCB AG 06-02 -- Department of Agriculture and Consumer Services

Agriculture Committee

3/22/2006 1:00:00PM

Location: 214 Capitol

Attendance:

	Present	Absent	Excused
Ralph Poppell (Chair)	Х		
Bruce Antone	x		
Edward Bullard	X		
Larry Cretul	X		
Denise Grimsley	X		
Paige Kreegel	X		
Sheri McInvale	X		
Dwight Stansel	X		
Baxter Troutman	X		
Shelley Vana	X		
Totals:	10	0	0

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Agriculture Committee

3/22/2006 1:00:00PM

Location: 214 Capitol

HB 511: On-line Dating Services

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone			X	_	
Edward Bullard	X				
Larry Cretul		X			
Denise Grimsley	X				
Paige Kreegel	X				
Sheri McInvale			X		
Dwight Stansel					X
Baxter Troutman	X				
Shelley Vana	X				
Ralph Poppell (Chair)		X			
	Total Yeas: 5	Total Nays	: 2		

HB 511 Amendments

Amendment 1

X Adopted Without Objection

Appearances:

On-line Dating Service
Cynithia Henderson (Lobbyist) - Proponent
True.Com
2846-A Remington Green Circle
Tallahassee FL 32308
Phone: (850) 422-1011

On-line Dating Service
Jayne Hitchcock (General Public) - Proponent
WHOA
Post Office 696
Dover New Hampshire 03821

Phone: (815) 556-5059

On-line Dating Service
Terra Gray, Government Affairs Vice President (General Public) - Proponent
True.Com

4502 West Amherst Avenue Dallas Texas 75209 Phone: (972) 402-4067

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Location: 214 Capitol On-line Dating Service

Jamie Wilson (Lobbyist) - Opponent

IAC/InterActiveCorp 106 East College Ave. Tallahassee FL 32301 Phone: (850) 681-1980

On-line Dating Service

Kristin Kelly, Sr. Director of PR Director (General Public) - Opponent

Match.Com

3001 East President Bush Hwy

Richardson Texas 75082

Phone: (214) 576-9326

On-line Dating Service Joy Ryan (Lobbyist) - Opponent **Net Coalition** 204 South Monroe Street Tallahassee FL 32301

Phone: (850) 681-6710

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Amendment No. 1

Bill No. HB 511

COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	$(Y \times N)$
ADOPTED W/O OBJECTION	$\frac{1}{(Y)}N$
FAILED TO ADOPT	$-\overset{(Y/N)}{}$
WITHDRAWN	(Y/N)

OTHER

Council/Committee hearing bill: Agriculture

Representative Ambler offered the following:

Amendment

Remove lines 121-135 and insert:

(4) If an on-line dating service provider conducts criminal background screenings, the provider shall disclose that background screenings of applicants are not perfect and that there is no way to guarantee that the name provided by a person to be run through a background screening is in fact the person's true identity. Additionally, not all criminal records are publicly available. Therefore the screenings may not identify every member who has a felony or sexual offense conviction and users should participate in the service at their own risk and use caution when communicating with other members.

Additionally, the provider shall disclose whether it has a policy allowing a member who has been identified as having a felony or sexual offense conviction to have access to its service to communicate with any Florida member.

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Location: 214 Capitol

HB 603: Gasoline Stations

			Absentee Yea	Absentee Nay
X				
X				
X				
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X				
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HB 603 Amendments

Amendment 1 - Strike-all



X Adopted Without Objection

Appearances:

Gasoline Stations Keyna Cory (Lobbyist) - Opponent Associated Industries of Florida 110 East College Avenue Tallahassee FL 32301 Phone: (850) 681-1065

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. Bill No. HB 603

COUNCIL/COMMITTEE ACTION

ADOPTED _____(Y/N)
ADOPTED AS AMENDED _____(Y/N)
ADOPTED W/O OBJECTION _____(Y/N)
FAILED TO ADOPT _____(Y/N)
WITHDRAWN _____(Y/N)

OTHER

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Council/Committee hearing bill: Agriculture

Representatives Flores and Domino offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Section 526.143, Florida Statutes, is created to read:

526.143 Alternate means of power generation for motor fuel dispensing facilities.--

(1) No later than December 31, 2006, each motor fuel terminal facility, as defined in s. 526.303(16), and wholesaler, as defined in s. 526.303(17), that sells motor fuel in this state must be capable of operating its distribution loading racks using an alternate power source for a minimum of 72 hours. Pending a postdisaster examination of the equipment by the operator to determine any extenuating damage that would render it inoperable or unsafe to use, the facility must have such alternate power source available for operation no later than 36 hours after a major disaster, as defined in s. 252.34. Initial inspection for proper installation and operation shall be completed by a local building inspector, and verification of the inspection must be submitted to the local county emergency

Amendment No. 1

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management agency. Inspectors from the Department of Agriculture
and Consumer Services shall perform a periodic visual inspection
of the alternate power source to ensure that the emergency
auxiliary electrical equipment is installed. Each facility shall
perform annual inspections to ensure that the emergency
auxiliary electrical generators are in good working order and
show proof of those inspections in order to be deemed in
compliance with and to participate in the fuel supplier program.

- (2) Each newly constructed or substantially renovated motor fuel retail outlet, as defined in s. 526.303(14), for which a certificate of occupancy is issued on or after July 1, 2006, must be prewired with an appropriate transfer switch and be capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment acceptance equipment using an alternate power source. As used in this subsection, the term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. Local building inspectors shall include an equipment and operations check for compliance with this subsection in the normal inspection process before issuing a certificate of occupancy. A copy of the certificate of occupancy shall be provided to the county emergency management agency upon issuance of such certificate. Each facility shall perform periodic inspections to ensure that the installed transfer switch and emergency auxiliary electrical generators are in good working order and provide proof of those inspections to the county emergency management agency in order to be in compliance with and to participate in the Florida Disaster Motor Fuel Supplier Program under s. 526.144.
- (3) (a) No later than December 31, 2006, each motor fuel retail outlet described in subparagraph 1. or subparagraph 2.

must be prewired with an appropriate transfer switch and be capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment-acceptance equipment using an alternate power source:

- 1. A motor fuel retail outlet which has 16 or more fueling positions, or
- 2. The owner of any motor fuel retail outlet that had a minimum monthly average motor fuel sales volume of 125,000 gallons for any 6-month period during calendar year 2005.
- (b) Each corporation that owns or operates more than 10 motor fuel retail outlets within a single county shall maintain at least one portable generator, for every 10 retail outlets, that is capable of providing an alternate generated power source as required under paragraph (2).
- (c) Installation of the wiring and transfer switch shall be performed by a certified electrical contractor. Each retail outlet subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each retail outlet must keep a written record that confirms the periodic testing and ensured operational capacity of the equipment. The required documents must be made available upon request to the Division of Emergency Management and the county emergency management agency.
- (4) (a) Subsections (2) and (3) apply to any self-service, full-service, or combination self-service and full-service motor fuel outlet regardless of whether the business is located on the grounds of, or is owned by, another retail business establishment that does not engage in the business of selling motor fuel.
 - (b) Subsections (2) and (3) do not apply to:
 - 1. An automobile dealer;

Amendment No. 1

- 2. A person who operates a fleet of motor vehicles; or
- 3. A person who sells motor fuel exclusively to a fleet of motor vehicles.
- (5) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.
- (6) Notwithstanding any other law or local ordinance, to ensure an appropriate emergency management response to major disasters in the state, the regulation of and requirements for the siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets shall be exclusively controlled by the state.
- Section 2. Paragraph (i) of subsection (2) of section 252.35, Florida Statutes, is amended, paragraphs (j) through (v) are renumbered as paragraphs (k) through (w), respectively, and a new paragraph (j) is added to that subsection, to read:
- 252.35 Emergency management powers; Division of Emergency Management.--
- (2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties under ss. 252.31-252.90, the division shall:
- (i) Institute statewide public awareness programs. This shall include an intensive public educational campaign on emergency preparedness issues, including, but not limited to, the personal responsibility of individual citizens to be self-sufficient for up to 72 hours following a natural or manmade disaster. The public educational campaign shall include relevant

Amendment No. 1

information on statewide disaster plans, evacuation routes, fuel 116 117 suppliers, and shelters. All educational materials must be available in alternative formats and mediums to ensure that they 118 119 are available to persons with disabilities.

The Division of Emergency Management and the Department of Education shall coordinate with the Agency For Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

This act shall take effect July 1, 2006. Section 3.

Remove the entire title and insert:

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======= T I T L E A M E N D M E N T ============

creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate power source for a specified period by a certain date; providing requirements with respect to the operation of such equipment following

a major disaster; providing requirements with respect to inspection of such equipment; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate power source; defining "substantially renovated"; requiring certain motor fuel retail outlets to have a generator; providing inspection requirements; requiring certain motor fuel retail outlets to be capable of operation using an

alternate power source by a specified date; requiring

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 1

certain motor fuel retail outlet owners to have a generator on hand; providing inspection and recordkeeping requirements; providing applicability; providing severability; providing for preemption to the state of the regulation of and requirements for siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; providing an additional duty of the division with respect to educational outreach concerning disaster preparedness; providing an effective date.

Agriculture Committee

3/22/2006 1:00:00PM

Location: 214 Capitol

HB 1015: Agricultural Economic Development

Ralph Poppell (Chair)	<u> </u>	Total Nays: 0			
	X				
Shelley Vana	X		· · ·	<u> </u>	
Baxter Troutman	X				
Dwight Stansel				X	
Sheri McInvale	X				
Paige Kreegel	X				
Denise Grimsley	X				
Larry Cretul	X				
Edward Bullard	X				
Bruce Antone	X	···			
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay

HB 1015 Amendments

Amendment 1

X Adopted Without Objection

Amendment 2

X Withdrawn

Amendment Substitute (2)

X Adopted Without Objection

Appearances:

Agricultural Economic Development
Sarah Bleakley (Lobbyist) - Opponent
FL Association of Counties
1500 Mahan Drive
Tallahassee FL 32301

Phone: (850) 508-5816

Phone: (561) 355-3451

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Agricultural Economic Development Todd Bon Larron (Lobbyist) - Opponent Palm Beach County 301 North Olive Avenue, Suite 1101 West Palm Beach FL 33401

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3/22/2006 1:00:00PM

Location: 214 Capitol

Agricultural Economic Development
Janet Bowman, Legislative Director (Lobbyist) - Opponent
1000 Friends of FL

926 East Park Ave Tallahassee FL 32311

Phone: (850) 222-6277, ext 108

Agricultural Economic Development
Phil Leary (Lobbyist) - Proponent
FL Aquaculture Association/Alachua County Farm Bureau
520 River St
Palatka FL 32177

Phone: (386) 937-7829

Agricultural Economic Development Butch Calhoun (Lobbyist) - Proponent FL Fruit and Vegetable Association P.O. Box 1110

Tallahassee FL 32302 Phone: (850) 521-0455

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Bill No. HB 1015

COUNCIL/COMMITTEE ACTION

ADOPTED	(Y/N)
ADOPTED AS AMENDED	$-\frac{(Y/N)}{2}$
ADOPTED W/O OBJECTION	$-\sqrt{(Y/N)}$
FAILED TO ADOPT	- (Y/N)
WITHDRAWN	(Y/N)
OTHER	

Committee hearing bill: Agriculture

Representative Pickens offered the following:

Amendment

Remove lines 134-198 and insert:

- owner of a parcel of land defined as an agricultural enclave under s. 163.3164(33) may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3187. Such amendment is not subject to rule 9J-5.006(5), Florida

 Administrative Code, and may include land uses and intensities of use that are consistent with the uses and intensities of the industrial, commercial, or residential areas that surround the parcel.
- (a) The local government and the owner of a parcel of land that is the subject of an application for an amendment under this paragraph shall have 180 days following the date that the local government receives an application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the

Amendment No. 1

parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good-faith negotiations for purposes of subparagraph (c).

- (b) Upon conclusion of good-faith negotiations under subparagraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of an application, the amendment must be immediately transferred to the state land planning agency for such review at the first available transmittal cycle. The state land planning agency may not use any provision of rule 9J-5.006(5), Florida Administrative Code, as a factor in determining compliance of an amendment under this paragraph.
- (c) If the owner fails to negotiate in good faith, rule 9J-5.006(5), Florida Administrative Code, shall apply throughout the negotiation and amendment process under this paragraph.
- (d) Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the following areas:

Amendment No. 2 (substitute)

Ì		Bill No. HB 1015
	COUNCIL/COMMITTEE	ACTION
	ADOPTED	(Y/N)
	ADOPTED AS AMENDED	(Y/N)
	ADOPTED W/O OBJECTION	(Y/N)
	FAILED TO ADOPT	(Y/N)
	WITHDRAWN	(Y/N)
	OTHER	
1	Council/Committee heari	ng bill: Agriculture
2	Representative McInvale	offered the following:
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4	Substitute Amendment fo	or Amendment (2) by Rep. Pickens
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6	Remove lines 223-2	31 and insert:
7	(d) Has public ser	vices, including water, wastewater,
8	transportation, schools	s, and recreation facilities, available or
9	such public services ar	re scheduled to be provided by the local
10	government or by an alt	ernative provider of local government
11	infrastructure consiste	ent with applicable concurrency provisions
12	of s. 163.3180; and	
13	(e) Does not excee	ed 2,560 acres, however, if the property
14	has been determined to	be urban or suburban by the state land
15	planning agency, the pa	arcel may not exceed 5,120 acres.

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Amendment No.2

Bill No. HB 1015

COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N
ADOPTED AS AMENDED	(Y/I
ADOPTED W/O OBJECTION	(Y/N
FAILED TO ADOPT	- (Y/N)
WITHDRAWN	—((X)N
OTHER	

Council/Committee hearing bill: Agriculture

Representative Pickens offered the following:

4 Amendment

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Remove line(s) 222-231 and insert: residential development; or

- 3. Property that has been determined to be urban or suburban by the state land planning agency;
- (d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled to be provided by the local government or by an alternative provider of local government infrastructure consistent with applicable concurrency provisions of s. 163.3180; and
 - (e) Does not exceed 5,000 contiguous acres.

Agriculture Committee

3/22/2006 1:00:00PM

Location: 214 Capitol HB 1031 : Pawnbroking

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Edward Bullard	X				
Larry Cretul	X				
Denise Grimsley	X				
Paige Kreegel	X				<u> </u>
Sheri McInvale				X	
Dwight Stansel	X				
Baxter Troutman			X		
Shelley Vana			X		
Ralph Poppell (Chair)				X	
	Total Yeas: 6	Total Nays	: 0		

HB 1031 Amendments

Amendment 1



X Adopted Without Objection

Appearances:

Pawn Brokers Clyde Hannah (General Public) - Proponent FL Pawnbrokers 643 White Oak Place Callahan FL 32011 Phone: (904) 879-9426

Pawn Brokers Larry Pioli, Treasurer (General Public) - Proponent FL Pawnbrokers Association 14452 Bruce B. Downs Blvd Tampa FL 33613

Phone: (813) 748-3047

Pawn Brokers Lisa Henning (Lobbyist) - Proponent The Florida UPG 205 South Adams Street Tallahassee FL 32301 Phone: 850) 224-0880

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Agriculture Committee

3/22/2006 1:00:00PM

Location: 214 Capitol

Pawn Brokers

Clay Wigelsworth (General Public) - Proponent

Mark's Jewelry and Pawnof Ocala 729 North West 10th Street

Ocala FL 34471

Phone: (352) 622-9494

Pawn Brokers

Barbara O'Brien, Director (Lobbyist) - Proponent

Cash America 4051 Swift Way Tallahassee FL 32311 Phone: (850) 321-4112

Pawn Brokers

Jamie Wilson (Lobbyist) - Proponent

Cash America 106 College Avenue Talahassee FL 32301 Phone: (850) 681-1980

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Amendment No. 1		Bill	No. HB 1031
		DIII	NO
COUNCIL/COMMITTEE A	ACTION		
ADOPTED	(Y/N)		
ADOPTED AS AMENDED	$-(\chi h)$		
ADOPTED W/O OBJECTION	— (Y/N)		
FAILED TO ADOPT	$\frac{1}{\sqrt{(X/N)}}$		
WITHDRAWN	(Y/N)		
OTHER			
Constitution of the Consti	all talkan medallilasi sarapan medalli sarapan menandasi salah penjaman dalah sarapan dalah sarapan dalah sara	generalist and control to the control of the contro	entre de la company de la comp
Committee hearing bill:	Agriculture		

Representative Kyle offered the following:

Amendment (with title amendment)

Remove lines 15-16 and insert:

restrictive than this section, except that local ordinances may shall not require the payment of any fee or tax related to a pawn transaction or purchase

providing that local ordinances shall not require the payment of any fee or tax related to a pawn transaction or purchase unless

Agriculture Committee 3/22/2006 1:00:00PM

Location: 214 Capitol

HB 1475 : Agricultural Disaster Assistance

	Total Yeas: 9	Total Nays: 0			
Ralph Poppell (Chair)	X				
Shelley Vana	X				
Baxter Troutman	X				
Dwight Stansel				X	
Sheri McInvale	X				
Paige Kreegel	X				
Denise Grimsley	X		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
Larry Cretul	X				
Edward Bullard	X				
Bruce Antone	X				
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
X Favorable					

Appearances:

AG Disaster Assistance
Butch Calhoun (Lobbyist) - Proponent
FL Fruit and Vegetable Association
Post Office 1110
Tallahassee FL 32302

Phone: (850) 521-0455

Phone: (850) 488-3022

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AG Disaster Assistance
David McInnes (Lobbyist) (State Employee) - Proponent
FL Department of Agriculture & Consumer Services
PL-10, The Capitol
Tallahassee FL 32399

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Agriculture Committee

3/22/2006 1:00:00PM

Location: 214 Capitol

PCB AG 06-02 : Department of Agriculture and Consumer Services

X Not Considered

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Agriculture Committee

3/22/2006 1:00:00PM

Location: 214 Capitol

Summary:

Agriculture Committee

Wednesday March 22, 2006 01:00 pm

HB 511 Favorable With Committee Substitute Yeas: 5 Nays: 2

Amendment 1 Adopted Without Objection

HB 603 Favorable With Committee Substitute Yeas: 9 Nays: 0

Amendment 1 Adopted Without Objection

HB 1015 Favorable With Committee Substitute Yeas: 9 Nays: 0

Amendment 1 Adopted Without Objection

Amendment 2 Withdrawn

Amendment Substitute (2) Adopted Without Objection

HB 1031 Favorable With Committee Substitute Yeas: 6 Nays: 0

Amendment 1 Adopted Without Objection

HB 1475 Favorable Yeas: 9 Nays: 0

PCB AG 06-02 Not Considered

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